

MOTION HEARING MINUTES**CASE NAME:**

Aircraft Owners and Pilots Association, et al.	VS	Andrew M. Cuomo, et al.
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CAUSE: 28:2201 Declaratory Judgment**DATE:** August 2, 2007**PROCEEDING:** Motion Hearing**LAW CLERKS:** _____**CASE NUMBER:** **1:06-cv-1468 (GLS/RFT)****TRIAL DATE:** **/**/****STENO:** Theresa Casal

Note: None

PRINT NAME	FIRM NAME	PARTY:
Alan Jay Goldberg, Esq. Howard Levine, Esq.	Whiteman, Osterman Law Firm	Plaintiffs
Kathleen A. Yodice, Esq.	Yodice Associates	Plaintiffs
Douglas J. Goglia, AAG	New York State Attorney General's Office	Defendants

BEGINNING TIME: 9:05 A.M.**END TIME:** 9:20 A.M.**APPEARANCES:** All attorneys present.

9:05 a.m. Atty. Levine discusses pending motion; pure issue of law.

9:05 a.m. Atty. Goglia states issue very broad; state statute supplements; federal door.

9:05 a.m. Atty. Goglia discusses expanding of jurisdiction; not binding on this court.

9:06 a.m. Court states either pre-empted or not; take up issue with the 2nd circuit based on this court's decision.

9:06 a.m. Court states read submissions; fully and fairly presented; nothing more to add. Court indicates Court Exhibit 1 issued to parties which was standard of review to incorporate into the record. Court states facts for the record for the 2nd circuit; Court discusses motions filed by both parties. Court discusses the preemption doctrine.

9:16 a.m. Court finds that field preemption does apply; feds to preempt this field; court declines to discuss conflict preemption; Court GRANTS plaintiffs' motion; statute is unconstitutional and unenforceable; Grants declaratory judgment. Court states transcript constitutes the decision of the court. No written order forthcoming.